

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

OCT 19 1998

TIMOTHY R. WALBRIDGE, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF OKLAHOMA

IN RE:

STANLEY E. SMITH, a/k/a,
STAN SMITH,

Debtor.

DEBORAH L. SMITH,

Plaintiff,

v.

STANLEY E. SMITH,

Defendant.

Case No. 98-001429-R

(Chapter 7)

Adv. No. 98-0187-R

ORDER AND JUDGMENT

THIS MATTER comes before the Court pursuant to the Complaint and Answer in this proceeding and the agreement of the parties as to the appropriate disposition hereof. The Court, having reviewed the matters of record herein and in the case, FINDS

1. Notice hereof was given in the case pursuant to Rule 9019(a) Fed.R.Bankr.Proc. and L.R. 9019 and is sufficient and proper. No objection was made by any party in interest.

2. The parties consent to the entry of this Order and Judgment, and good cause otherwise exists for the entry hereof. It is therefore

ORDERED, ADJUDGED AND DECREED as follows:

1. Plaintiff's claim in the case for child support of \$11,112.00, and an additional claim of \$4,100.00 for support-related arrears, are determined to be non-dischargeable.

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Clerk, U.S. Bankruptcy Court
Northern District of Oklahoma

2. Plaintiff is awarded judgment against Defendant in the amount of \$4,100.00 (the "Money Judgment"). Defendant shall pay the Money Judgment at a rate of \$100.00 per month beginning on the date of the first installment of back child support due after the date hereof pursuant to the child support order of the Oklahoma Department of Human Services entered April 15, 1998 (the "Enforcement Order"), and continuing monthly thereafter for a total of 36 monthly payments. Plaintiff shall not initiate any enforcement or collection action on the Money Judgment so long as the \$100.00 monthly payments are timely made. Upon the completion of 36 installment payments of \$100.00, the entire \$4,100.00 Money Judgment will be deemed to be satisfied and released in full. In the event any of the \$100.00 installment payments are not timely made, Plaintiff shall be entitled to enforce the full remaining balance of the \$4,100.00 Money Judgment.

3. The Enforcement Order is not affected by this Judgment and Order. Defendant shall continue to perform the Enforcement Order and Plaintiff shall retain all rights thereunder, unaffected by this Judgment and Order or by this bankruptcy case.

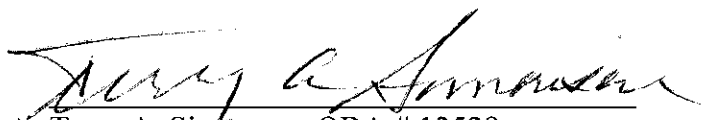
4. In making payments to Plaintiff pursuant to the Money Judgment and the Enforcement Order, Defendant shall designate, in writing, whether a particular payment should be applied to the Enforcement Order or to the Money Judgment. In the absence of such designation, payments will be applied first to the Enforcement Order then to the Money Judgment.

5. Plaintiff will retain her claim in the bankruptcy case. Distributions attributable to Plaintiff's creditor claim will be applied to the last installment payment(s) under the Money Judgment.


DONE this 19 day of October, 1998.


United States Bankruptcy Judge

APPROVED:


Terry A. Simonson, OBA # 13529
VESTAL, SIMONSON & GATES
405 Expressway Tower
2431 East 51st Street
Tulsa, OK 74105
(918) 742-0091

ATTORNEYS FOR DEBTOR


Sam G. Bratton II, OBA No. 1086
DOERNER, SAUNDERS, DANIEL
& ANDERSON, L.L.P.
320 South Boston, Suite 500
Tulsa, OK 74103-3725
(918) 582-1211
(918) 591-5360 (FAX)

ATTORNEYS FOR DEBORAH L. SMITH